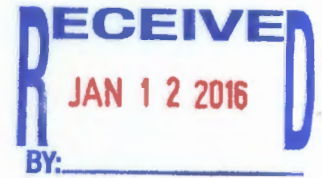


Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

December 15, 2015



**RE: FREEDOM OF INFORMATION ACT REQUEST**

**VIA U.S. CERTIFIED MAIL**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Dear FOIA Officer:

This is a request under the Freedom of Information Act. The records I request can be described as follows:

Any and all e-mails sent to, or sent by, Betsaida Alcantara,<sup>1</sup> which refer, relate, or otherwise mention one or more of the following terms: Clinton, HRC, Secretary of State, campaign, fundraiser, donation, contribution, elect, volunteer, ethanol, Iowa, Yucca Mountain, Richard Windsor, Keystone, BP, Deepwater Horizon, whistleblower, fraud, investigation, Inspector General, conservative, Republican, Romney, Gingrich, Santorum, right-wing, radical, and GOP. This includes all attachments that were transmitted with any responsive e-mails.

The timeframe of this request is from February 1, 2009, through April 30, 2012. The scope of this FOIA request is inclusive of any common variations of the names or terms provided above, including different forms or conjugations of the terms above (e.g. "contribution" would also include "contributor," "contributing," "contribute," and "contributed").

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is primarily in the public interest and will contribute significantly to the public's understanding of the operations of the Environmental Protection Agency.<sup>2</sup>

<sup>1</sup> For reference purposes, Ms. Alcantara served previously as the Press Secretary and Deputy Press Secretary for the Environmental Protection Agency.

<sup>2</sup> See 5 U.S.C. § 552(1)(4)(A)(iii).



The Department of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.<sup>3</sup> The first such factor is “whether the subject of the requested records concerns ‘the operations or activities of the government.’”<sup>4</sup> The records requested here go directly to the correspondence and actions of agency personnel as they operated in their official capacities.

The second factor is “whether the disclosure is ‘likely to contribute’ to an understanding of government operations or activities.”<sup>5</sup> Here a primary focus is on the present availability of the information and whether it has previously been released to the public.<sup>6</sup> To the best of the requestor’s knowledge, the vast majority of the information contained in the requested records has never been publicly disclosed nor appeared in news reports. The generally undisclosed nature of the records, however, make them very likely to contribute to the understanding of the government operations that it describes.

The third factor is “whether the disclosure of the requested information will contribute to ‘public understanding.’”<sup>7</sup> This turns on “whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject.”<sup>8</sup> The RNC is in a position to make the information widely available. It has an extensive history of publications on its website, GOP.com, and its members and affiliates regularly interact with and appear on national media outlets. Thus, the RNC not only has the desire to furnish these records to a broad audience, but has a substantial ability to do so.<sup>9</sup>

Fourth, an agency is directed to consider “whether disclosure is likely to contribute ‘significantly’ to public understanding of government operations or activities.”<sup>10</sup> In determining the significance of the contribution, an important element is media attention and public interest in the material. Widespread media attention of an issue greatly increases the likelihood that additional information would significantly contribute to the public’s understanding of the government operation or activity in question.<sup>11</sup> As previously noted, the RNC is well positioned to bring media attention to an issue and routinely engages with issues of public import that garner substantial press coverage.

The fee waiver guidance next looks at the question of “whether the requester has a commercial interest that would be furthered by the requested disclosure.”<sup>12</sup> The RNC is not a corporation or business that exists to pursue profits or actively participate in the commercial sphere. There is no readily identifiable commercial interest of the RNC to which this information pertains.

Should your agency determine, however, that some commercial interest exists, it would then have to turn to the final factor: “whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ‘primarily in the commercial interest of the requester.’”<sup>13</sup> Given the RNC’s significant ability to contribute to the

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<sup>3</sup> See *FOIA Update*, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>4</sup> *Id.*

<sup>5</sup> *FOIA Update*, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>6</sup> 5 See, e.g., *Monaghan v. FBI*, 506 F. App’x 596, 598 (9th Cir. Jan 28, 2013) (prior availability of records linked to whether they are likely to contribute to public understanding); *Judicial Watch, Inc. v. DOJ*, 365 F.3d 1108, 1127 (D.C. Cir. 2004) (emphasizing that requester should address whether information is already in the public domain).

<sup>7</sup> *FOIA Update*, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>8</sup> *Carney v. DOJ*, 19 F.3d 807, 814 (2d Cir. 1994).

<sup>9</sup> See, generally, *Citizens Progressive Alliance v. U.S. Bureau of Indian Affairs*, 241 F. Supp. 2d 1342, 1366 (D.N.M. 2002) (stating that when applying the fee waiver standard, it is relevant to consider the ability of the requester to disseminate information).

<sup>10</sup> *FOIA Update*, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>11</sup> *Pederson v. RTC*, 847 F. Supp. 851, 855 (D. Colo. 1994) (finding that widespread media attention can demonstrate information’s significant contribution to public understanding).

<sup>12</sup> *FOIA Update*, Vol. VIII, No. 1 (“New Fee Waiver Policy Guidance”).

<sup>13</sup> *Id.*

public discourse on matters of national significance, any potential commercial interest would be dwarfed in comparison to the public interest in the disclosure of such information.

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case where you withhold any records, please explain in writing any such denial. Please release all reasonably segregable material.

Please direct any questions or correspondence to:

Lars Trautman, Esq.  
Research Analyst  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
Ltrautman@gop.com  
202-863-8518

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Scott Parker". The signature is written in a cursive, flowing style.

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com





Republican  
National  
Committee

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL®**



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U.S. POSTAGE® PITNEY BOWES



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National Freedom of Information Officer  
U.S. Environmental Protection Agency  
200 Pennsylvania Avenue, NW (2822T)  
Washington, D.C. 20460

DEC 21 2015

